



PATENT
Docket No. 310048-347
Avery No. 2293-US

Express Mailing Label No. EL 763793053 US

I hereby certify that this correspondence and the attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee," under 37 C.F.R. §1.10, on May 31, 2002, addressed to: Asst. Commissioner for Patents, Box DAC, Washington, D.C. 20231.

Joy Michaels

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:)
)
JAY R. AKHAVE, ET AL.)
)
Serial Number: **09/647,752**)
)
Filing Date: **December 8, 1997**)
)
Entitled: **CONTROLLED DROPLET FORMED**)
LAYERED STRUCTURES)
)

Box DAC
Asst. Commissioner for Patents
Washington, D.C. 20231
ATTN: Petition Information
Crystal Park One, Suite 520
(M.P.E.P. §1002.02(b), 7th ed.)

05/07/2002 LLANDERA 00000021 162230 09647752
01 FC:141 1280.00 OP
02 FC:154 130.00 CH

PETITION FOR LATE ACCEPTANCE OF DECLARATIONS OR IN THE ALTERNATIVE TO REVIVE BASED ON UNINTENTIONAL ABANDONMENT OF APPLICATION

Sir:

We hereby apply for late acceptance of declarations or in the alternative for the revival of the above-identified patent application based on the unintentional abandonment of the application.

A Notification of Missing Requirements was sent to this firm on January 4, 2001. The Notification required executed declarations to be filed, and had a shortened one-month response period.

The required Response to Notification including the Declarations is filed herewith.

The entire delay in filing the required reply from the due date until the filing of this petition was unintentional.

The Commissioner is hereby authorized to charge filing fees or credit any overpayment to Deposit Account Number 16-2230. A duplicate of this petition is attached.

Initially, it is noted that we have not received any Notice of Abandonment in the above case. If we had received such a notice within one year we would have promptly filed the Petition to Revive and the response.

We note that the history of this application is useful in understanding the need for the filing of this paper.

Initially, a provisional patent application, Serial No. 60/067,904, was filed on December 8, 1997 by attorney, Scott Hansen. Then, within a year, another attorney, Clifford Thompson, filed a more complete PCT patent application, specifying the U.S. as one of the elected countries.

The present patent application was filed based on the PCT application.

At the time the Notification was received, efforts were successfully made to obtain Declarations by the inventors.

Before the extendible time period for response to the Notification, Mr. Thompson had resigned from the firm, and during the extendible time period Mr. Hansen left unexpectedly for several months' medical leave. Incidentally, Mr. Hansen had filed the original provisional case, and following the departure of Mr. Thompson, responsibility for the U.S. case returned to Mr. Hansen.

Thus, in view of Mr. Hansen's unexpected unavailability, the application was transferred to Attorney Douglas Larson. Mr. Larson was unfamiliar with the application and did not recognize the pendency of the Notification. Also, the factor of no initial complete U.S. Application was unusual in our practice.

PATENT

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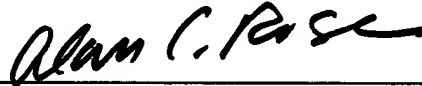
Mr. Larson only recently, in the last several weeks or so, discovered the Notice to File missing requirements in the course of handling a related EPO case, and seeking to file similar claims in the U.S. application.

Because this petition is more than one year after the date of abandonment of the application, Applicant additionally submits further information, a Declaration by Mr. Larson as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative).

The absence of any Notice of Abandonment is also noted again.

In view of all of the foregoing points, it is respectfully requested that this petition for late acceptance of the declarations or in the alternative to revive be granted at an early date.

Respectfully requested,



Alan C. Rose

Registration No. 17,047

Dated: May 30, 2002

OPPENHEIMER WOLFF & DONNELLY LLP

2029 Century Park East, 38th Floor

Los Angeles, California 90067-3024

Telephone: (310) 788-5000

Facsimile: (310) 788-5100



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/647752	AKHAVE	J 310048-347-U

ALAN C ROSS
OPPENHEIMER WOLFF & DONNELLY
SUITE 3800
2029 CENTURY PARK EAST
LOS ANGELES, CA 90067 3038

INTERNATIONAL APPLICATION NO.	
PCT/US98/25875	
I.A. FILING DATE	PRIORITY DATE
07 DEC 98	08 DEC 97
DATE MAILED:	

04 JAN 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____

☒ Information Disclosure Statement(s) filed OCT 04 2000 and _____

☐ Assignment document.

☒ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____

☐ Verified Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

John L. Anderson

Telephone: 703-308-9116



PATENT
Docket No. 310048-347
Avery No. 2293-US

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DECLARATION IN SUPPORT OF PETITION

Sir:

1. I am a patent attorney employed in the Los Angeles office of Oppenheimer Wolff & Donnelly LLP ("Oppenheimer").

2. A provisional application, Serial No. 60/067,904, was prepared and filed by Oppenheimer attorney Scott Hansen on December 8, 1997.
3. A PCT application No. PCT/US98/25875 claiming priority of the provisional application was filed by Oppenheimer attorney Clifton Thompson on December 7, 1998; Mr. Thompson subsequently left Oppenheimer.
4. A U.S. national phase application (the above-captioned application) based on the PCT application was filed on October 3, 2000 by Oppenheimer attorney Alan Rose.
5. Responsibility for the subject U.S. application was assigned to the above-mentioned attorney Scott Hansen.
6. A Notification of Missing Requirements issued in the subject application on January 4, 2001 and having a shortened one month response period, which was extendible until July 4, 2002. The subject Declaration will be filed as an attachment to the response to this Notification.
7. A Notice of Abandonment issuing from the Patent Office for failing to timely respond to the Notification has not been received.
8. Oppenheimer attorney Scott Hansen left the firm on an emergency medical leave for a few months in the summer of 2001 and many of his files were delivered to me at that time from Oppenheimer's Orange County office. This was the first time that I had ever seen or been aware of the subject application or its file.
9. The subject application was filed in December 1997 and thus an executed declaration would typically be due about two or so years earlier than was required by the subject Notification, the executed declarations in the file when I reviewed it in July 2001 were not accompanied by executed assignments as is my normal practice when making an original

submission of declarations and thus the executed declarations in the file in July 2001 were assumed by the undersigned to be needed to correct inventorship and not as an original declaration submission. I was thus going to review in due course the correctness of the need for this inventorship correction, including reviewing related foreign files, their prosecution and any prior art therein and the claims in the subject application before preparing filing any invention correction papers with the declarations.

10. The executed Declaration papers had two copies of the second sheet with some inventors signing one sheet and others signing the other sheet. This is not my practice which is to have two complete separate declarations when all inventors have not signed one of the sheets. I thus did not appreciate that all inventors had signed when I reviewed the papers last July.

11. One of the related foreign applications I reviewed was EPO application No. 98,961,94,6-2307. An amendment was filed on March 8, 2002, presenting a new set of claims in response to an Official Letter dated May 31, 2001.

12. Approximately six weeks ago I reviewed the file for the subject U.S. application to determine whether any of the claims added in the EPO application should be added to or substituted in the subject U.S. application. In my detailed study of the file at that time I for the first time realized that the Declarations should have been earlier filed in response to the Notification and were not in the file in support of an inventorship correction petition.

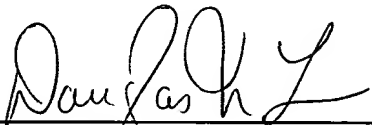
13. The entire delay in filing the required response from the due date until the present filing was unintentional.

14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: May 31, 2002



Douglas N. Larson
Registration No. 29,401

OPPENHEIMER WOLFF & DONNELLY LLP
2029 Century Park East, 38th Floor
Los Angeles, California 90067-3024
Telephone: (310) 788-5000
Facsimile: (310) 788-5100



Rec'd PCT/PTO 31 MAY 2002 #6

Practitioner's Docket No. 310848-329

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ghanshyam H. Popat, Shiaonung Su, Thomas Mammen, Frederick Miekka,
Andre Saint, Brett Ulrich, Omar Attia

For: Image Transfer Sheets and a Method of Manufacturing the Same

The specification of which was filed on May 1, 1998, as Application No. 09/071,785.

**STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. 1.47)**

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above identified patent application before deposit thereof in the Patent and Trademark Office.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Scott R. Hansen, Esq.
USPTO Registration No. 38,486
Oppenheimer Wolff & Donnelly LLP
2029 Century Park East, 38th Floor
Los Angeles, CA 90067

LAST KNOWN AND CURRENT ADDRESS OF THE NONSIGNING INVENTOR

Ghanshyam H. Popat
1233 W. Tamarisk Avenue
Ridgecrest, Ca 93555-5915

DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

On July 6, 1999, I obtained Mr. Popat's current address by conducting a search on the LEXIS-NEXIS computer database. I then sent Mr. Popat a letter, a copy of the patent application as it was filed May 1, 1998, a Declaration and an Assignment for him to sign, and a self-addressed, postage-prepaid return envelope. Attached as Exhibit 1 is a copy of the letter.

**DETAILS OF REFUSAL OF NONSIGNING INVENTOR
TO SIGN APPLICATION PAPERS**

I did not receive any response from Mr. Popat to my letter of July 6, 1999. Consequently, on September 21, 1999, I telephoned him at his current residence in Ridgecrest, California. Mr. Popat confirmed that he had received the papers I sent him on July 6, 1999. However, he informed me that he would not sign the Declaration or Assignment. He said that he is currently in a dispute with the assignee of this patent application, Avery Dennison Corporation, on unrelated business matters. He said that until the dispute with Avery is resolved, he will not sign any papers relating to his former work at Avery.

Date: September 21, 1999



**Scott R. Hansen, Esq.
Oppenheimer Wolff & Donnelly LLP
Registration No. 38,486
Attorneys for Assignee
Avery Dennison Corporation**